

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICHAEL POSTAWKO, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:16-CV-4219-NKL-P
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

**JOINT MOTION FOR FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

The parties seek final approval of a private settlement in this case. Plaintiffs filed this lawsuit on behalf of themselves and other similarly situated individuals in the custody of the Missouri Department of Corrections (“MDOC”), alleging that MDOC and its private medical services provider, Corizon, LLC (“Corizon”) violated their constitutional right to adequate medical care for hepatitis C. MDOC and Corizon (collectively, the “Defendants”) have denied, and continue to deny, the allegations and contend their provision of medical care for hepatitis C is, and has been, adequate and appropriate. Nevertheless, and without any admission of liability, the parties have reached an amicable resolution.

The parties engaged in lengthy arms-length settlement negotiations. The parties first negotiated in May 2019, pursuant to an ADR order entered in this case. At the Court’s encouragement, the parties resumed those negotiations in October 2019, following a hearing on Plaintiffs’ Motion for Preliminary Injunction. After further discovery efforts, the parties engaged in additional in-person negotiations in February 2020. The parties continued to negotiate, while proceeding with some additional discovery matters, until concluding a Private Settlement Agreement (the “Agreement”).

On August 25, 2020 this Court granted the parties' Joint Motion for Preliminary Approval of Class Action Settlement. (Dkt. No. 456.) In accord with the Court's Order, Defendants certified compliance with the terms of the Court's Order governing Notice to Class members. (Dkt. No. 484.) Class members subsequently had an opportunity to submit statements of support, objections, and comments.

As set forth in the Suggestions in Support of this Joint Motion, the parties believe the terms of the Agreement are fair, reasonable, and adequate within the meaning of Fed. R. Civ. P. 23, thus warranting the Court's final approval.

The Agreement is attached as **Exhibit 1** to the Suggestions in Support.

WHEREFORE, the parties respectfully request that the Court finally approve the proposed Agreement, after considering the terms of the Agreement and the objections interposed to it, the arguments made in the briefing in support of approval of the Agreement, and those to be made in a fairness hearing held in accordance with Federal Rule of Civil Procedure 23(e).

Dated: October 26, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2020, a true and correct copy of the foregoing document was electronically filed using the Court's online case filing system, which will send notice to all counsel of record.

By: /s/ Anthony E. Rothert